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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,227	06/08/2001	Mark Neuschutz	MERCK 2276	6191
23599	7590 05/19/2003			
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.			EXAMINER	
2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201		PATEL, NIHIR B		
			ART UNIT	PAPER NUMBER
			3743	IJ
			DATE MAILED: 05/19/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Advisory Action	09/876,227	NEUSCHUTZ ET AL.			
·	Examiner	Art Unit			
	Nihir Patel	3743			
The MAILING DATE of this communication appe	ears on the cover sheet with the d	correspondence address			
THE REPLY FILED ON APRIL 4 TH 2003 FAILS TO PLAGE Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this applica) a timely filed amendment whic il (with appeal fee); or (3) a timel	ation. A proper reply to a h places the application in			
	EPLY [check either a) or b)]				
a) The period for reply expiresmonths from the mailing by The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Offit timely filed, may reduce any earned patent term adjustment. See 37 (c)	Advisory Action, or (2) the date set forth later than SIX MONTHS from the mailin S FILED WITHIN TWO MONTHS OF TI e date on which the petition under 37 CF of extension and the corresponding amo the shortened statutory period for reply ice later than three months after the ma	g date of the final rejection. HE FINAL REJECTION. See MPEP R 1.136(a) and the appropriate extension out of the fee. The appropriate extension originally set in the final Office action; or			
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.					
2. The proposed amendment(s) will not be entered because:					
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);					
(b) ☐ they raise the issue of new matter (see Note below);					
(c) they are not deemed to place the application issues for appeal; and/or	in better form for appeal by mate	erially reducing or simplifying the			
(d) they present additional claims without cancel	ling a corresponding number of t	finally rejected claims.			
NOTE:					
3. Applicant's reply has overcome the following rejection(s):					
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).					
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the next page.					
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.					
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.					
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected: <u>1 and 5-16</u> .					
Claim(s) withdrawn from consideration:					
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.					
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)					
10. Other:					

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Application No.

The applicant argues that the applicant's invention relates to a cooling device which has a non-uniform output profile/irregular heat output posses but has not specified it in the claims.